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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SCHWEGMAN LUNDBERG WOESSNER AND KLUTH P O BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER NELSON, ALECIA DIANE	
			ART UNIT 2675	PAPER NUMBER

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/904,056

Applicant(s)

BAUGH, BENTON FREDERICK

Examiner

Alecia D. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. ***Claims 23-25, 32, 34-36, and 40-41*** are rejected under 35 U.S.C. 102(e) as being anticipated by Schultheiss (U.S. Patent No. 6,208,384).

With reference to **claims 23 and 41**, Schultheiss teaches a mouse device (50) for a computer (10) operatively coupled to a multimedia device (40) comprising: a housing (52), a mouse button (66a, 66b) within the housing to control an operation on the computer (12), a cursor control device (64) coupled to the housing (52), at least one multimedia control device (62) disposed within the housing (52) to control only the multimedia device through the computer (12), a connection that transmits signals generated by the mouse button, cursor control device, and multimedia control device to the computer (see column 5, lines 23-56); and wherein the at least one control device provides immediate accessibility to the multimedia device through the computer, wherein the immediate accessibility to the multimedia device through the computer is accessing the menu which controls the functions of the multimedia device (see column 5, lines 57-65). With further reference to **claim 34**, Schultheiss teaches that the

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computer (12) has a processor (20, 20a) and a memory (32) (see column 4, lines 6068). Further it is taught the usage of a connection that operatively couples the pointing device to the computer through a port of the computer through which all communication between the pointing device and the computer occurs (see column 5, lines 23-43).

With reference to **claims 24, 25, 35, and 36**, Schultheiss teaches that the connection comprises a wireless connection between the mouse device (50) and the computer, as well as teaching that the connection comprises a radio frequency transceiver (see column 5, lines 30-43).

With reference to **claim 32**, Schultheiss teaches the usage of trackball (64) as the cursor control device, and further states that it is well known in the art that other user inputs may be used other than trackball (64) (see column 5, lines 28-30) which includes a mouse, touch pad, or joystick. With reference to claim 40, Schultheiss teaches that the multimedia device is one of a tuner (see column 6, lines 65-68) or a television (40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 26, 33, 37, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss (U.S. Patent No. 6,208,384).

With reference to **claim 26, 33, 37, and 42** Schultheiss teaches a method of controlling a multimedia device (40) comprising receiving a signal from a multimedia device control (62) on a mouse (50) coupled to a computer (12), receiving a signal from a computer cursor positioning device (64) on the mouse (50), sending the signals to the computer (12), and sending the multimedia device control signal from the computer to the multimedia device to provide immediate accessibility to control of the multimedia device via the mouse, wherein the immediate accessibility to the multimedia device through the computer is accessing the menu which controls the functions of the multimedia device (see Figure 4, column 5, lines 57-65). With further reference to **claim 42**, Schultheiss teaches the usage of radio frequencies (see column 5, lines 3043).

Schultheiss fails to specifically teach that the signals from the multimedia device control and the computer cursor-positioning device are packetized as recited in the claim. However, it is well known in the art that such protocol is performed when transferring signals.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the signals from the computer cursor positioning device and the multimedia device control to included protocol information including header, start transmission, text, end transmission information before the signals are transferred

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for appropriate transmission of the signals to the computer in order to control the functions of the multimedia device.

5. **Claims 27-31, 38, and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheiss as applied to **claims 23 and 34** above, and further in view of Schindler et al. (U.S. Patent No. 5,900,867).

With reference to **claims 27 and 38**, Schultheiss fails to teach the usage of a serial port on the computer however the usage of a port is well known in the art as a type of connection.

Schindler et al. teaches an entertainment system using a personal computer as the heart of the system wherein the personal computer contains suitable receiving circuitry, which provides indications of the keys being pressed, being a serial connection or other form of connection (see column 5, lines 34-41).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the device Schultheiss to include a serial port as suggested by Schindler et al. in order to provide a source for receiving the signals from the multimedia control and the cursor control in order for the signals to be processed for carrying out the appropriate function of the multimedia device.

With reference to **claim 28**, Schultheiss teaches the usage of keys (62) for providing a broad range of conventional television remote control commands (see

column 5, lines 54-55). As well known in the art, volume control is well known conventional television remote control commands.

Schultheiss however fails to specifically teach that the multimedia control device comprises a slider or wheel corresponding to a volume control.

Schindler et al. teaches the usage of channel control buttons (916) and volume control (918), as well as thumbwheel (934). It is taught that thumbwheel (934) is used to adjusting the power of the RF signal (see column 14, lines 33-37).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the thumbwheel of Schindler et al. to have the ability to be used as a volume control for the multimedia device, wherein both Schultheiss and Schindler et al. teach the usage of a volume control button. It would be obvious to allow for such modification because it is well known to those skilled in the art interchangeably using switches, buttons, sliders, wheels, trackball, ect. as input devices. This would allow for arrangement, which may be more comfortable for the user to manipulate.

With reference to **claim 29-31**, Schultheiss teaches that the multimedia control device comprises multiple devices for controlling functions of tuning and other television functions (see column 6, lines 63-68), wherein the functions are any of a broad range of conventional television remote control commands (see column 5, lines 54-55), which would be obvious to include next/previous channel and preset stations.

Schultheiss fails to specifically teach that the multimedia control device comprises multiple devices for controlling functions of a CD-ROM device or speaker,

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wherein one or more such functions are selected from a group of conventions functions.

With further reference to claim 39, Schultheiss fails to specifically teach that the multimedia device is integrated with the computer. However, it is well known in the art that a CD-ROM device is included in the computer. It would thereby make it obvious for the computer of Schultheiss to include a CD-ROM device, which would be considered as an additional device in the multimedia system.

Schindler et al. teaches that one of the multimedia devices consist of a CD jukebox (168) and stereo-surround sound system (158) for audio output to one or more speakers (160).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow for the CD and speaker devices of Schindler et al. to have the ability to have conventional control functions, which are well known to those skilled in the art, and as suggest by Schultheiss in order to provide the user with a more accessible manner for controlling the functions of a plurality of different device from one control device.

Response to Arguments

6. Applicant's arguments filed 12/01/03 have been fully considered but they are not persuasive. The applicant argues with regards to claims 23-25, 32, 34-36, 40, and 41 that Schultheiss (U.S. Patent No. 6,208,384) fails to anticipate the claimed limitation, which recites "at least one multimedia control device disposed within the housing to control only the multimedia device through the computer". As stated by the applicant

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Schultheiss does teach that the middle keys (62) operate the infrared transmitter only, wherein the infrared signals are transmitted directly to the television. However it is also taught that in another embodiment, a UHF transmitter (54) is not included, and infrared commands (74) are transmitted to the personal computer (see column 5, lines 31-43). In the alternative embodiment wherein the UHF transmitter (54) is not included the infrared transmitter (56) in the housing (52) transmits infrared remote control signals to the computer (12), which will be received by infrared remote control receiver (26) (column 5, lines 39-43). Further, the alternative embodiment is demonstrated in Figure 1, wherein signal (74) carries either UHF or infrared signal. Therefore Schultheiss does anticipate the claimed limitation reciting at least one multimedia control device for only controlling the multimedia device through the computer. The applicant also request with regards to claims 26, 33, 37, and 42, that the examiner provide support for the claimed protocol information which is packetized before being transmitted. Hall (U.S. Patent No. 6,188,387) and Banerjee et al. (U.S. Patent No. 6,292,181) teach packet protocol which supports the examiner's position. Specifically Hall teaches a computer input peripheral wherein data is transmitted from a mouse to a host computer in accordance with a packet protocol (see abstract). Banerjee et al. teaches in order to provide mobility to a device a wireless link to the desktop computer is necessary, wherein it is further stated that a number of manufacturers provide remote control software and hardware that allow packetized data to be sent between a host computer and a handheld device over a infrared wireless circuit link. With further regards to the

additional arguments to claim 33 and 27-31, 38, and 39, that which is explained above with reference independent claims 23, 34, and 41.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703) 305-0143. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on (703) 305-9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 22, 2004

Amr Ahmed Amr
2-22-2004